IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8728 OF 2006

Maheshkumar Gulabchand
Shah @ Sumaria ...Petitioner.
Vs.
Deepa Maheshkumar Shah @ Sumaria. ...Respondent.
....
Mr. E.K. Sasidharan for the Petitioner.
None for the Respondent.
.....

CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

While indicating reasons for directing the Petitioner to pay interim maintenance at the rate of Rs.5,000/- per month to the Respondent, the Family Court has observed that the Petitioner is gainfully employed in Kenya and that the salary slip of the Petitioner which was produced on the record revealed that the salary was equivalent to Rs.15,000/- per month. Though this finding in regard to the salary slip was sought to be questioned in the oral submission made before the Court, there is absolutely no ground raised in the Writ Petition under Article 227 of the Constitution to the effect that the salary slip did not indicate that the Petitioner's income in Kenya

was in the amount of Rs.15,000/- per month. That apart, the finding in para 8 of the impugned order has not been questioned in the grounds of the Petition. The bald challenge in ground (aa) of the Petition is only that the Trial Court erred in holding that while determining the quantum of monthly maintenance, the salary of the Petitioner herein has to be taken at Rs.15,000/- per month. The basis of the determination of the Trial Court is not questioned. Counsel appearing on behalf of the Petitioner has relied upon the salary certificate annexed as Exh.1 to the Petitioner's affidavit dated 28th October 2004 (page 96 of the paper-book). The salary certificate is undated and at least at the prima facie stage, therefore, is not worthy of credence. In any event, the Trial Court Judge has taken a view at the interlocutory stage which can by no means be regarded as perverse or suffering from an error apparent so as to warrant interference of this Court under Article 227 of the Constitution. There is no merit in the petition which is accordingly dismissed.

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